



RHODE ISLAND DEPARTMENT OF PUBLIC SAFETY

Office of Legal Counsel

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Colonel James M. Manni
Director, Department of Public Safety
Superintendent, Rhode Island State Police

Adam J. Sholes, Esq.
Office of Legal Counsel
Department of Public Safety

November 5, 2019

SENT VIA EMAIL ONLY

Ms. Lucy Parsons Labs

RE: Public Records Requests – Search Warrant Data from 2012 to the present

Dear Ms. Parsons Labs:

This serves as a response to your Access to Public Records Act (“APRA”) request sent on November 1, 2019 directed to the Rhode Island State Police (“RISP”). In pertinent part, your request seeks:

For all search warrants, applications for search warrants, cancellations, and authorization for search warrants between 2012 to the date of processing this request, please provide the following points of record for each:

Full Name of requester

If arrest, arrest ID (eg some cities/states use, "Incident Report")

Reason(s) for search warrant (typically either hand-written, or checkboxes)

Badge ID (or similar) of requester

District/Unit

Name of Judge

Name of approving officer

Whether an Arrest happened

Requested location of search warrant

Location of search warrant execution

Type of search warrant

Statements used to justify search warrant

Time and date when search warrant was submitted for approval

Time and date when search warrant was executed

Whether anything was seized

Whether anything was found

License plate of vehicle (if relevant)

Race of person for search warrant

Age of person for search warrant

State of person for search warrant

Whether an informant was involved

Method of contact with informant leading to search warrant (eg, phone call, mail, fax, email, etc)

Description of person search warrant executed on
Legal code of violation
Description of violation
Date of violation
If search warrant related to debt: name of company debt is owed to, amount owed
Whether FBI involved
ID associated with FBI document (eg, IR #)
Whether search warrant was cancelled
Whether contraband found
Whether narcotics found

The records responsive to this request are likely available in a database, or in some query-able format. If your department or agency does not have direct access to the records, please raise to the respective department that can run queries directly (eg, through SQL).

At the outset, the seven (7) years of records requested are not maintained in computerized fashion and is not easily generated. Under R.I. Gen. Laws § 38-2-3(h), the RISP is not required to “reorganize, consolidate, or compile data note maintained by the public body in the form requested[.]” To the extent your request requires that the RISP create a database or make it available in some query-able format, the RISP denies your request.

In order to complete your request, the RISP would need to retrieve the records manually, searching through literally tens of thousands of physical files maintained by the RISP. It is estimated that the number of responsive warrants would be several thousand (2,600) per year and would likely exceed eighteen thousand (18,200) warrants for the seven (7) year timeframe requested. Again, these figures are an estimate, may be conservative and may not encompass every responsive record. Each search warrant would need to be retrieved, reviewed, copied and redacted. We estimate the time required to produce responsive information would be 9,100 hours and would total approximately \$136,485. The specific number of potentially responsive pages cannot yet be determined and is not included in this estimate as information would need to be pulled from files and would vary from one file to the next. Under the APRA, the RISP may charge \$15 per hour for search, retrieval, and review, with the first hour free of charge. R.I. Gen. Laws § 38-2-4(b). This estimate is conservative, and pre-payment is required prior to the RISP engaging in retrieval and review. Accordingly, at this time, kindly provide pre-payment of \$136,485.00 or contact our office should you wish to narrow the scope of information sought.

Please be advised that payment does not guarantee that the records you have requested constitute public records (in whole or in part, i.e., redacted), but only authorizes the RISP to conduct its search and retrieval to determine if responsive records exist, and if so, whether they are public records. If you choose to proceed with this request, and should actual search, retrieval, and copying fees exceed pre-payment, the RISP will advise you to seek authorization before continuing. Should your pre-payment exceed actual search, retrieval, and copying, you will, of course, be reimbursed.

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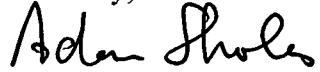
Additionally, given the breadth and volume of records sought for seven years worth of data and the difficulty of search and retrieval as described above, the time for this Department to respond is hereby extended an additional twenty (20) business days as set forth in R.I. Gen. Laws § 38-2-7(b). Notwithstanding this extension, the time period for this Department to respond to your request is also tolled as of the date of this letter pending pre-payment and authorization to continue.

This decision can be appealed pursuant to R.I. Gen. Laws § 38-2-8(a), which provides that “[a]ny person or entity denied the right to inspect the record of a public body may petition the chief administrative officer of that public body for a review of the determinations made by his or her subordinate.” Any appeal may be submitted to the RISP in the same manner you submitted your APRA request.

If we do not hear from you and receive payment within 30 days, we will consider this request closed, though you are free to re-submit your request.

Please feel free to contact me with any questions or should you wish to discuss this matter further.

Sincerely,



Adam J. Sholes, Esq.

AJS/Ira